REMARKS

By this Amendment, claims 1 and 4-6 have been revised to place this application in condition for allowance. Currently, claims 1-12 are before the Examiner for consideration on their merits.

First, Applicant acknowledges the indication of the allowability of the subject matter in claims 9 and 10. However, since Applicant believes that broader patent protection is available for this invention, rewriting these claims into independent form is being deferred pending the Examiner's reaction to the arguments made below.

Second, claims 4-6 have been revised responsive to the rejection under 35 U.S.C. § 112, second paragraph. More particularly, claim 5 has been rewritten as the combination of a door and a gasket and this should resolve the Examiner's concern regarding this claim. It is believed that these amendments overcome the issues of indefiniteness and the rejection in this regard should be withdrawn.

Turning now to the prior art rejection, the Examiner contends that United States Patent No. 6,405,489 to Miura anticipates claims 1, 3, 6-8, 11, and 12. Claims 2, 4, and 5 stand rejected under 35 U.S.C. § 103(a) based on Miura. On the issue of obviousness, the Examiner contends that specifying the dimensions of the gasket is a matter of engineering choice.

In light of the revisions to the claims made above, Applicant respectfully traverses the rejections based on Miura. It is now contended that Miura neither anticipate nor renders obvious claim 1, as amended.

In review, claim 1 now defines the gasket as having a uniform cross section along its length. Miura does not teach such a gasket and cannot anticipate claim 1 for this reason alone.

Miura discloses a weather strip 11 as shown in Figure 1 for a front or rear door. The strip has two parts, an L-shaped upper extrusion molding section 12 and a u-shaped lower extrusion molding section 13. These two parts are connected to each other via two front and rear molding sections 14 and 15. The door weather strip 11 is

provided with a mounting base 16 and a hollow seal section 17 protruding from the mounting base section 16. The mounting base section 16 is provided with first and second mounting faces 20 and 21, which make a right angle with respect to each other. A twisted face 22, see Figures 2 and 5c, is provided in the mounting base section 16 of the rear molding section 15, and the first mounting face 20 of the mounting base section 16 on the upper extrusion section 12 continues to the second mounting face 21 on the lower extrusion molding section 13 via the twisted face 22. The first and second mounting faces 20 and 21 are fixed to the outer peripheral surface 26, 27 of the door by means of a double-sided adhesive tape 28 and clips 29, see Figures 3 and 4.

Miura only give general mention to the configuration of the hollow seal section 17. This is because the form of the seal section 17 is independent of the problem faced by Miura. This problem is best seen in Figures 6 and 7, concerns the mounting base section 16, the fixing means as clips 45 or double-sided adhesive tape, and the peripheral surface of the door.

In contrast to the problem faced by Miura and Miura's solution, the present invention addresses the problem created by having to perform a thermoforming operation to prevent the weather strip to be used in door corners of small radius of curvature from collapsing. This operation conflicts with the desire to install gaskets using robotic devices, and having the gaskets stored on drums for the robotic operation. To solve this problem, the present invention configures the elastically deformable tubular portion of the weather strip with a particular form as defined in claim 1 so that the thermoforming operation is not required, and significant advantages are attained in this way. The sealing gasket of claim 1 includes an elastically-deformable portion of the gasket is given a shape extending from its fixing portion that is generally triangular, being defined by two lateral pillars which between them form an angle of about 10° to 80°, and which are united by an arch, the angle being defined using two straight lines passing substantially through the middles of the two lateral pillars at 2/5ths and at 4/5ths of the total height of the gasket measured from its fixing portion. The gasket is

also defined with a uniform cross section along its length.

Miura, by virtue of its twisted face and need to connect to differently-shaped molding sections together, does not include the features of claim 1, and particularly a gasket of uniform cross section along its length. Figure 2 of Miura clearly shows that the end 12 has a different cross section than the end 13. Consequently, Miura cannot be said to anticipate claim 1 and the rejection based on 35 U.S.C. § 102(b) must be withdrawn.

Lacking a basis to reject claim 1 under 35 U.S.C. § 102(b), the Examiner's only recourse is to rely on 35 U.S.C. § 103(a). It is strenuously contended that there is no legitimate basis to conclude obviousness using Miura in a subsequent rejection. Applicant contends that there is no reason in the prior art to modify Miura absent the use of the Applicant's invention as a teaching template.

Moreover, Miura teaches away from such a modification by the fact that the ends of the weatherstrip must be shaped differently to accommodate the differently shaped molding sections 12 and 13. To make the weatherstrip of Miura to be of uniform cross section would defeat Miura's very purpose, and such a modification cannot serve as basis to reject claim 1 under 35 U.S.C. § 103(a).

Lacking grounds to allege anticipation or obviousness, the Examiner has no choice but to allow claim 1 and its dependent claims.

Accordingly, the Examiner is respectfully requested to examine this application in light of this Amendment, and pass claims 1-12 onto issuance.

If the Examiner believes that an interview would be helpful in expediting the allowance of this application, the Examiner is requested to telephone the undersigned at the number listed below.

The above constitutes a complete response to all issues raised in the Office Action dated March 1, 2006.

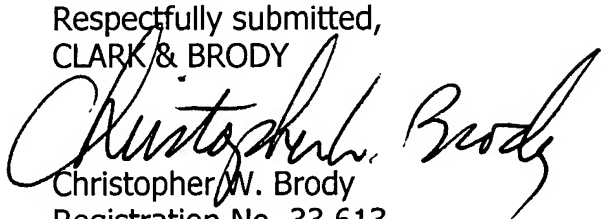
Again, reconsideration and allowance of this application is respectfully requested.

No petition for an extension of time or other charge is believed to be due in this

application.

However, if such a charge does exist, authorization is given to charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY



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Docket No.: 11016-0028
Date: May 19, 2006